

No. 4554

**OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF INSURANCE**

Date: JUN 30 2016

Subject Considered:

KRISTY LYNN DAVIS
211 Dominion Park Drive, Apt. 1223
Houston, Texas 77090

DEFAULT ORDER
SOAH DOCKET NO. 454-16-3832.C
TDI ENFORCEMENT CASE NO. 9167

General remarks and official action taken:

The commissioner of insurance considers disciplinary action against Kristy Lynn Davis.

Findings of Fact

1. According to TDI records, Kristy Lynn Davis holds general lines agent license no. 1776088 with life, accident and health qualifications, originally issued by the Texas Department of Insurance on July 23, 2012, and county mutual license no. 1772555, originally issued by the department on June 29, 2012.
2. According to TDI records, Davis has also been known as Kristy Lynn Cooper.
3. On April 27, 2016, TDI sent a notice of hearing to Davis' last known address filed in writing with the department, 211 Dominion Park Drive, Apt. 1233, Houston, Texas 77090.
4. On May 10, 2016, TDI sent a first amended notice of hearing to Davis' last known address.
5. Davis failed to file a written response to the notice of hearing and the first amended notice of hearing within 20 days of the date the notice of hearing and first amended notice of hearing were mailed to her last known address.

Reliable Life Insurance Company Theft Complaint

6. On August 6, 2014, Reliable Life Insurance informed Davis that as a result of her separation, it would be cancelling her Texas appointments with the company as of the same date.
7. On December 22, 2014, Reliable Life Insurance filed a complaint against Davis with TDI's Consumer Protection Section. Based upon records TDI obtained from Reliable Life Insurance, she collected \$4,670.73 from policyholders, but did not remit this money to Reliable Life Insurance. Reliable Life Insurance applied an agent cash bond of \$2,659.67 toward this amount. This leaves a balance of \$2,011.06 that Davis owes Reliable Life Insurance. The theft occurred from the following victims:

Victim No.	Victim Initials	Premium	Date	Notes	Months Deficient	Collected Total
1	TH	\$242.30	Dec. 2013	shortage	1	\$242.30
		\$242.30	July 2014	shortage	1	\$242.30
2	DC	\$210.54	May 2014	shortage	1	\$210.54
3	MC	\$109.30	Feb. 2014	shortage	1	\$109.30
4	CS	\$20.20	June 2014	shortage	1	\$20.20
5	SS	\$195.85	June 2014	shortage	1	\$195.85
		\$4.00	June 2014	loan	1	\$4.00
6	FH	\$149.11	May 2013	shortage	1	\$149.11
7	AM	\$92.95	Oct. 2013	shortage	1	\$92.95
8	RKG	\$137.95	May 2014	shortage	1	\$138.00
9	LMP	\$46.70	Apr. 2014	shortage	1	\$50.00
10	JJ	\$113.72	Mar. 2014	shortage	1	\$113.72
11	LP	\$83.05	Jun. 2014	shortage	1	\$83.05
12	WC	\$395.58	May 2014	shortage	1	\$395.58
13	RB	\$51.15	June 2014	shortage	1	\$51.15
14	HR	\$161.05	June 2014	shortage	1	\$161.05
15	EB	\$181.72	Dec. 2013	shortage	1	\$201.77
16	JD	\$59.28	June 2014	shortage	1	\$59.28
17	FB	\$211.10	June 2014	shortage	1	\$211.10
18	DG	\$128.36	July 2014	shortage	1	\$128.36
19	MR	\$96.53	July 2013	shortage	1	\$96.53
20	GC	\$59.29	Sept. 2013	shortage	1	\$60.00
21	LL	\$94.70	Dec. 2013	shortage	1	\$94.70
22	HF	\$91.85	Nov. 2013	shortage	1	\$100.00
		\$91.85	Dec. 2013	shortage	1	\$43.90
23	AA	\$111.22	July 2013	shortage	1	\$111.22
24	DR	\$33.32	May 2014	shortage	1	\$33.32

Victim No.	Victim Initials	Premium	Date	Notes	Months Deficient	Collected Total
25	KH	\$54.90	Feb. May July Aug. 2014	shortage	7	\$384.30
		\$15.40	unknown	shortage	1	\$15.40
26	UB	\$85.50	Mar. 2014	shortage	1	\$85.80
		\$14.20	Mar. 2014	loan	1	\$14.20
27	GT	\$120.00	Jan. Mar. May 2014	shortage	1	\$120.00
28	SL	\$76.50	July 2014	shortage	4	\$306.00
29	AT	\$115.27	Jan. 2015	shortage	3	\$345.75
Total collected, but not remitted to Reliable Life Insurance						\$4,670.73

8. On July 17, 2015, and August 12, 2015, the Enforcement Section sent Davis requests for information, pursuant to TEX. INS. CODE § 38.001. Davis did not respond.
9. On January 26, 2015, Reliable Life Insurance informed Davis that it expected her to pay the current deficiency balance within 15 days. Davis failed to pay the outstanding balance.
10. On February 16, 2016, the Enforcement Section sent Davis a notice of intention to institute disciplinary action. Davis did not respond.

Conclusions of Law

1. The commissioner has jurisdiction pursuant to TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, 4051.201, and 4054.051; and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. TEX. GOV'T CODE § 2001.056, TEX. INS. CODE § 82.055, and 28 TEX. ADMIN. CODE §§ 1.47, 1.88, and 1.89 give the commissioner authority to dispose of this case informally.
3. Based on 28 TEX. ADMIN. CODE § 19.906, Davis' last known address is presumed to be 211 Dominion Park Drive, Apt. 1223, Houston, Texas 77090.
4. TDI sent a notice of hearing and a first amended notice of hearing to Davis' last known address as required by 28 TEX. ADMIN. CODE §§ 1.28(c) and 1.88(c), 1 TEX. ADMIN. CODE § 155.401, and TEX. GOV'T CODE Ch. 2001.
5. The allegations in the first amended notice of hearing, set out as findings of fact nos. 1-2 and 6-10, are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.

6. Davis engaged in fraudulent and dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5).
7. Davis misappropriated, converted to her own use, or illegally withheld money belonging to: (A) an insurer; (B) a health maintenance organization; or (C) an insured, enrollee, or beneficiary, as contemplated by TEX. INS. CODE § 4005.101(b)(4).
8. Davis failed to respond to requests for information sent to her last known address on record in violation of TEX. INS. CODE § 38.001.

The commissioner of insurance orders that Kristy Lynn Davis' general lines agent license with life, accident and health qualifications and county mutual license are revoked.



David C. Mattax
Commissioner of Insurance



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Updated Delivery Day: Friday, May 20, 2016

Product & Tracking Information

Available Actions

Postal Product:

Features:
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
May 20, 2016 , 7:04 am	Delivered	AUSTIN, TX 78714
Your item was delivered at 7:04 am on May 20, 2016 in AUSTIN, TX 78714.		
May 20, 2016 , 2:22 am	Arrived at Unit	AUSTIN, TX 73301
May 19, 2016 , 9:54 am	Arrived at USPS Facility	AUSTIN, TX 78710
May 18, 2016 , 3:17 pm	Departed USPS Facility	NORTH HOUSTON, TX 77315
May 14, 2016 , 10:23 am	Unclaimed/Max Hold Time Expired	HOUSTON, TX 77090
April 29, 2016 , 2:47 pm	Notice Left (No Authorized Recipient Available)	HOUSTON, TX 77090
April 28, 2016 , 9:52 am	Arrived at USPS Facility	NORTH HOUSTON, TX 77315
April 27, 2016 , 9:41 pm	Departed USPS Facility	AUSTIN, TX 78710
April 27, 2016 , 7:26 pm	Arrived at USPS Facility	AUSTIN, TX 78710

Track Another Package

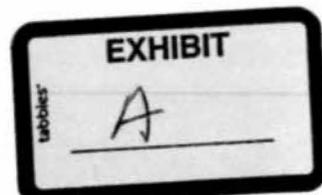
Tracking (or receipt) number

Track It

Manage Incoming Packages

Track all your packages from a dashboard.
No tracking numbers necessary.

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Name and Address of Sender
Texas Dept of Insurance
Mail Code 110-1A
333 Guadalupe St
Austin TX 78701
Ginger Yocom
May 10, 2016

110-1A

Check type of mail or service

Adult Signature Required Priority Mail Express

Adult Signature Restricted Delivery Registered Mail

Certified Mail Return Receipt for Merchandise

Certified Mail Restricted Delivery Signature Confirmation

Collect on Delivery (COD) Signature Confirmation Restricted Delivery

Insured Mail

Priority Mail

Affix Stamp Here
(If issued as an international certificate of mailing or for additional copies of this receipt). Postmark with Date of Receipt

USPS Tracking/Article Number	Address (Name, Street, City, State, & Zip Code)	Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
Rickette/#9167 7012 0470 0000 3545 6529 ✓	Kristy Lynn Davis 211 Dominion Park Drive, Apt 1223 Houston, Texas 77090	1.15	3.30								2.76			
AMENDED														
				Handling Charge if Registered and over \$50,000 in value										
								Adult Signature Required						
								Adult Signature Restricted Delivery						
								Restricted Delivery						
								Return Receipt						
								Signature Confirmation						
								Signature Confirmation Restricted Delivery						
								Special Handling						

Total Number of Pieces Listed by Sender

Total Number of Pieces Received at Post Office

Postmaster, Per (Name of receiving employee)

